

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LIBERTY HOLDINGS (NYC) LLC, and
DREAMBUILDER INVESTMENTS, LLC,

Plaintiffs,

-against-

APOSTA, INC., and GENE HACKER,,

Defendants.

No. 18 Civ. 5108 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

The Court is in receipt of the parties' letters regarding Mr. Quigg's requested continuance of the telephonic conference on the Court's order to show cause, (dkt. no. 50), currently scheduled for May 19, 2020. (See Quigg Letter, dated May 18, 2020 [dkt. no. 58]; see also Plaintiff's Letter, dated May 18, 2020 [dkt. no 59].) For the reasons detailed below, Mr. Quigg's request for a continuance of the conference is DENIED.

Mr. Quigg seeks an eleventh-hour continuance first on the ground that his "office is not operating," "all of [his] staff has been sent home," and he "do[es] not have access to [his] files." (Quigg Letter at 1.) That statement is belied by the fact that he has recently made numerous filings with the United States Bankruptcy Court for the Eastern District of California and the Central District of California. (See Plaintiff's Letter at 1.) In addition, Mr. Quigg has apparently scheduled appearances in

other matters before the United States Bankruptcy Court for the Central District of California, including an appearance on the date of the scheduled conference. (Id. at 2.) If Mr. Quigg is capable of making filings and appearing in other matters, he is capable of appearing for a telephonic conference before this Court.¹

Mr. Quigg alternatively seeks a continuance because he has "been ill and not able to do any work." (Quigg Letter at 1.) But Mr. Quigg has provided no evidence of this condition and has given the Court nothing to rely on but his word. At this point, that is not enough. If the history of this case has demonstrated anything, it is that Mr. Quigg has not earned the benefit of the doubt from this Court.

Accordingly, Mr. Quigg's request for a continuance of the May 19 telephonic conference is DENIED.

SO ORDERED.

Dated: New York, New York
May 18, 2020



LORETTA A. PRESKA
Senior United States District Judge

¹ The Court notes that this conference was rescheduled for May 19 after being initially continued over two months ago on March 6. (See dkt. no. 56.) The subject matter to be discussed at the conference--the Court's February 4 order to show cause--has not changed since the Court first scheduled the conference on February 4. (See dkt. no. 50.) Even assuming arguendo that he does not have access to his files as he claims, Mr. Quigg has had more than ample time to prepare for this conference.